

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

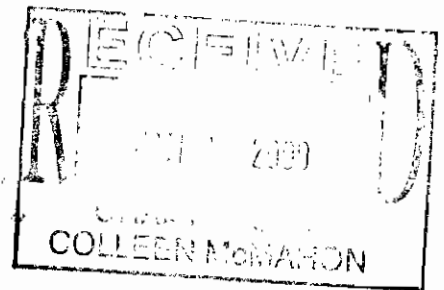
OLAES ENTERPRISES, INC. d/b/a ODM

Plaintiff,

-against-

A.D. SUTTON & SONS, INC., et al.,

Defendants.



1:09-cv-08680-CM (PED)

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

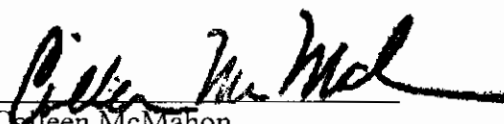
The Court, having considered the Unopposed Motion to Dismiss Counterclaims filed by Defendant/Counter Claimant Kolder, Inc. ("Kolder") in this cause, finds that the Motion is well taken and should be granted.

IT IS THEREFORE ORDERED that all claims and causes of action asserted or assertable by Kolder against Plaintiff/Counter-Defendant Orange County Choppers, Inc. and Counter-Defendants Orange County Choppers Merchandising LLC, and Orange County Choppers Licensing LLC, in this cause be, and hereby are, DISMISSED WITHOUT PREJUDICE to their refiling pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATED: 1/5/10

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/6/10</u>
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Hon. Colleen McMahon  
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND SUBSTANCE:

/s/Justin A. Heller

Justin A. Heller

Counsel for Plaintiff/Counter-Defendant Orange County Choppers, Inc.  
and Counter-Defendants Orange County Choppers Merchandising LLC,  
and Orange County Choppers Licensing LLC

Date: December 29, 2009

/s/Dan Shaked

Dan Shaked

Counsel for Defendant/Counter Claimant Kolder, Inc.

Date: December 29, 2009